

MEMO ENDORSED

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 7/21/08

MICHAEL A. CARDOZO
 Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
 100 CHURCH STREET
 NEW YORK, NY 10007

MORGAN D. KUNZ
 Assistant Corporation Counsel
 Phone: (212) 788-0422
 Fax: (212) 788-9776
 mkunz@law.nyc.gov

July 20, 2008

BY FACSIMILE: (212) 805-7949

Honorable P. Kevin Castel
 United States District Judge
 Southern District of New York
 500 Pearl Street, Room 2260
 New York, NY 10007

Re: Adam Torres, et. al. v. City of New York, et. al.
 08 Civ. 05660 (PKC)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York and the New York City Police Department, in the above referenced matter. Defendants respectfully request that their time to respond to the complaint in this action be extended for sixty days from July 21, 2008 to September 19, 2008. Plaintiffs' counsel stated that he consents to this request as long as the answer is interposed 30 days before the initial conference. Upon information and belief, the Court has not yet scheduled an initial conference in this matter.

Plaintiffs brings this federal civil rights action alleging that they were falsely arrest and maliciously prosecuted following an incident on June 15, 2007. Plaintiff Adam Torres claims he spent 28 days in custody before being released, plaintiff Richard Roman claims he spent 12 days in custody before being released, and plaintiff Roberto Rivera claims he spent 2 days in custody before being released. The plaintiffs claim that all charges brought against them as a result of the June 15, 2007 arrest were dropped on January 22, 2008.

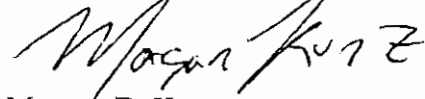
An enlargement of time will give this office the opportunity to investigate the allegations in the complaint in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure. In their complaint, plaintiffs allege that they were falsely arrested and maliciously prosecuted. In order to respond to plaintiff's allegations, we need to obtain the records of the underlying arrests as well as any documents related to the subsequent prosecution. As plaintiffs allege that any charges brought against them were dismissed, all records associated with plaintiffs' arrests, detentions, and prosecutions, would be sealed pursuant to N.Y. C.P.L. § 160.50. Accordingly, this office is in the process of forwarding to plaintiffs' counsel for execution releases for records sealed pursuant to § 160.50. These releases are necessary for this office to obtain any of the police records associated with the arrest, as well as

any district attorney and/or court records associated with the arrests, detentions, and prosecutions.

No previous request for an extension has been made in this action. [Accordingly, defendants respectfully request that their time to respond to the complaint be extended from July 21, 2008 to September 19, 2008.] OK

I thank the Court for its time and consideration of this request.

Respectfully submitted,



Morgan D. Kunz
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Arlen S. Yalkut, Esq., Attorney for Plaintiffs (By Fax)

*Application to extend time
for all defendants to respond
At the complaint until
September 19 is granted.*

*SO ORDERED
JST
7-21-08*